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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,442	09/16/2005	Joseph Peter Stefaniak	MV03-043/10/333,000	9698

7590 11/06/2008
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EXAMINER

LEE, WILSON

ART UNIT	PAPER NUMBER
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2163

MAIL DATE	DELIVERY MODE
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11/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,442	Applicant(s) STEFANIAK ET AL.	
	Examiner Wilson Lee	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-16 and 19-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-16 and 19-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR. 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued under 37 CFR 1.114, and fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/24/08 has been entered.

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5-16, 19-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butani et al. (US Publication 2003/0172010) in view of Oommen (6,865,567).

Regarding Claim 2, Butani discloses a method for consolidating (combining multiple sources to one) computing devices (figs. 1, 2), comprising:

retrieving a first data set (set of data from element 104 or 204) indicative of system parameters of a first computing device (104 or 204. figs. 1, 2);

retrieving a second data set (set of data from element 106 or 206) indicative of system parameters of a second computing device (106 or 206. figs. 1, 2); determining at least one system parameter in the first data set that is different from a similar aspect of system parameter in the second data set ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041); and providing a visual depiction of the at least one difference ("...identify differences in the two analysis results" Abstract. "Publish the Results of the Data Analysis". Fig. 3).

As discussed above, Butani essentially discloses the claimed invention but does not explicitly show that user can determine whether to consolidate programs or data of the first computing device on the second computing device.

However, Butani teaches the source or computing device can be chosen as a digital camera (718) (fig. 7). The image or video file can be retrieved from digital camera. It would have been obvious to one of ordinary skill in the art to have consolidate or store the data (in this case, a photo file that digital camera does not contain) from the first computing device such as the data source shown in figs. 1 and 2 on the digital camera substituting a second computing device in order to play or display the file. Such transferring or downloading the files for playing has been commonly used. Merely consolidating or allocating data from location to location does not produce unexpected result and novelty.

As discussed above, Butani essentially discloses the claimed invention but does not explicitly disclose loading the first and second data sets into a relational database and comparing the system parameters by comparing the results of SQL queries on the relational database in order to determine at least one aspect of system parameters in the first data set that is different from a similar aspect of system parameters in the second data set. However, Oommen (6,865,567) teaches that SQL is the most commonly used language in modern-day DBMSs. And the advantage of the declarative SQL is that the statements only need to specify what answer is expected, and not how it should be computed (Col. 1, lines 25-67, Col. 2, lines 1-15); comparing the first and second arithmetic means (Col. 126, lines 50-60), and determining the difference (Col. 129, lines 20-23). Oommen also teaches an example relational database that illustrates the difference among various QEPs (Col. 2, lines 9-67 and fig. 3).

It would have been obvious to one of ordinary skill in the art to have provided a commonly used language SQL to compare inputs and determine the difference in Butani in order to attain the advantage that require only what answer is expected as taught by Oommen.

Regarding Claim 4, Butani/Oommen discloses the method wherein the system parameters comprise at least one of the number of processors (702), available processors (702), processor level, devices (722), disk drive characteristics (720), disk drive capacity (710, 720), system, and network connectivity (728), system CPU utilization (702), and system memory load (704, 706) (Fig. 7).

Regarding Claim 5, Butani/Oommen discloses the method wherein the system parameters of a computing device comprises information indicative of executable process parameters ("a user may execute procedure 500 on an unchanged set of data". Paragraphs 0044, 0042).

Regarding Claim 6, Butani/Oommen discloses the method wherein the executable process parameters comprise at least one of: CPU utilization (for 702), memory utilization (for 704, 706).

Regarding Claim 7, Butani/Oommen discloses the method wherein the information indicative of the system parameters of the first and second computing devices (data source and digital camera) comprises information indicative of computing device database definition parameters (inherent feature. All kind of data must have own definition or file name such as Txt, Jpg. Jeg. Etc).

Regarding Claim 8, Butani/Oommen discloses the method wherein the visual depiction comprises a chart indicative of the level of difference between at least on system parameter ("...identify differences in the two analysis results" Abstract. "Publish the Results of the Data Analysis". Fig. 3) on the first and second computing devices (data source and digital camera. See discussion in the rejection of Claim 1)

Regarding Claim 9, Butani/Oommen discloses the method wherein the visual depiction comprises a textual display (display device 732) (fig. 7) comparing the system parameters of the first data set with the system parameter of the second data set.

Regarding Claims 10, 12, 15, 16, 27, 29, 32, 34, 35, Butani essentially discloses the claimed inventions but does not explicitly disclose the data set is listed, stored in tables, stored in column and row. However, Displaying or indicating the sets of data in any representation does not change the scope of the invention. It is well known that data is commonly or widely presented in tables and lists. It would have been obvious to one of ordinary skill in the art that data could be listed and stored in table to provide conventional presentation in order to provide let viewers to read all the data at once in the table or list.

Regarding Claims 11, Butani/Oommen discloses the method further comprising an indicator (on display device) comparing the process version in the first set with the process version in the second set. ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041).

Regarding Claims 13, Butani/Oommen discloses the method wherein the computing device database definition parameters inherently comprise at least one of: database names (104, 106) or user defined datatypes.

Regarding Claims 14, 33, Butani does not explicitly disclose comparing login names of the data sets. However, since Butani does not limit the kind of the data sets, comparing login names as one within the data set is not restricted. It would have been obvious to one of ordinary skill in the art to compare login name in order to identify the person who is using the system.

Regarding Claim 19, as discussed above in detail in the preceding rejection of claim 2, the combination of Butani and Oommen disclose the claimed limitation, in term of a system.

Regarding Claim 20, Butani/Oommen discloses that the characteristic of at least one hardware, software, and data in the first and second computing devices (data source and digital camera) comprises information indicative of system parameters (inherent feature. All kind of data must have own definition or file name such as Txt, Jpg. Jeg. Etc).

Regarding Claim 21, Butani/Oommen discloses that the system parameters comprise at least one of the number of processors (702), available processors (702), processor level, devices (722), disk drive characteristics (720), disk drive capacity (710, 720), system, and network connectivity (728), system CPU utilization (702), and system memory load (704, 706) (Fig. 7).

Regarding Claim 22, Butani/Oommen discloses that the system parameters of a computing device comprises information indicative of executable process parameters ("a user may execute procedure 500 on an unchanged set of data". Paragraphs 0044, 0042).

Regarding Claim 23, Butani/Oommen discloses that the executable process parameters comprise at least one of: CPU utilization (for 702), memory utilization (for 704, 706).

Regarding Claim 24, Butani/Oommen discloses that the information indicative of the system parameters of the first and second computing devices (data source and digital camera) comprises information indicative of computing device database definition parameters (inherent feature. All kind of data must have own definition or file name such as Txt, Jpg. Jeg. Etc).

Regarding Claim 25, Butani/Oommen discloses that the visual depiction comprises a chart indicative of the level of difference between at least on system parameter ("...identify differences in the two analysis results" Abstract. "Publish the Results of the Data Analysis". Fig. 3) on the first and second computing devices (data source and digital camera. See discussion in the rejection of Claim 1)

Regarding Claim 26, Butani/Oommen discloses that the visual depiction comprises a textual display (display device 732) (fig. 7) comparing the system parameters of the first data set with the system parameter of the second data set.

Regarding Claim 28, Butani/Oommen discloses the system further comprising an indicator (on display device) comparing the process version in the first set with the process version in the second set. ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041).

Regarding Claim 30, Butani/Oommen discloses the system further comprising an indicator (on display device) comparing the process version in the first set with the process version in the second set. ("analysis may include identifying the differences ... illustrating differences between different sets of data...". Paragraph 0041).

Regarding Claim 31, Butani/Oommen discloses that the information indicative of the system parameters of the first and second computing devices (data source and digital camera) comprises information indicative of computing device database definition parameters (inherent feature. All kind of data must have own definition or file name such as Txt, Jpg. Jeg. Etc).

Regarding Claim 32, Butani/Oommen discloses that the computing device database definition parameters inherently comprise at least one of: database names (104, 106) or user defined datatypes.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/5/08

/Wilson Lee/
Primary Examiner, Art Unit 2163